

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JEFFREY A. GEER and GERALD LABOUFF,)	
on behalf of themselves and other past)	
and present employees similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 05-CV-1109-JTM
)	
CHALLENGE FINANCIAL INVESTORS CORP.)	
d/b/a CFIC HOME MORTGAGE and)	
CHALLENGE MORTGAGE; et al.)	
)	
)	
Defendants.)	
_____)	

ORDER

Plaintiffs' Unopposed Motion for Permission to Dismiss Certain FLSA Opt In Plaintiffs Without Prejudice [Doc. 330] ("Motion") was presented for consideration on August 8, 2007.

Upon review of the Motion, and consideration of the parties' written submissions concerning the Motion, the Court finds the relief sought by the Motion to be appropriate, in part.

IT IS THEREFORE ORDERED that Plaintiffs' Unopposed Motion for Permission to Dismiss Certain FLSA Opt In Plaintiffs Without Prejudice is GRANTED. The Court dismisses from this action the three (3) plaintiffs identified in Exhibit A to Plaintiff's Motion to Dismiss [Doc. 330] (the "Dismissed Plaintiffs") without prejudice. If, within sixty (60) days of the date of this Order, any such Dismissed Plaintiff files a civil lawsuit alleging violations of, and claims arising under, the FLSA or any state wage and hour law, against any or all of the parties who are defendants in this action, such claims to be based on the same conduct, transaction or occurrence as the wage and hour

claims asserted in this action (the "Subsequent Wage and Hour Civil Claims"), for statute of limitations purposes, such Subsequent Wage and Hour Civil Claims shall be deemed to relate back to the date on which such Dismissed Plaintiffs filed their opt-in consent form in this action. This Order does not address, and the Court does not express any opinion on, the effect of the dismissal affected herein on any such Dismissed Plaintiffs that fail to assert Subsequent Wage and Hour Civil Claims within sixty (60) days of the date of this Order. The Court further orders that this Order has no effect on the Dismissed Plaintiffs' rights, if any, to participate in the class claims brought in this action pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA").

IT IS SO ORDERED.

Dated this 9th day of August, 2007, at Wichita, Kansas.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE